

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

IN RE: Steven Bryan,  
Debtors.

CASE NO.: 10-75458-SCS  
Chapter 13

**MOTION TO MODIFY MORTGAGE LOAN**

**TO THE HONORABLE CHIEF JUDGE STEPHEN ST. JOHN:**

**COME NOW** Steven Bryant, Debtor, by counsel and moves the Court for authority to modify his mortgage loan, and in support thereof states as follows:

- 1) Debtor filed his Chapter 13 Bankruptcy proceedings in this Court on November 17, 2010.
- 2) Debtor filed his Amended Chapter 13 Plan on November 9, 2012, the plan was confirmed on January 24, 2013.
- 3) Debtor desires to modify his current indebtedness by qualifying for a loan modification on his mortgage, the terms of which are as follows:
  - a. Debtor's first mortgage company, PNC Mortgage, is offering to capitalize all arrearages and delinquent escrow through May 1, 2013 into the principal of the loan.
  - b. The current principal balance, including the above arrearages, of the loan is \$237,274.47.
  - c. Debtors current mortgage payment is \$1,250.00.
  - d. The effective date of the loan modification will be May 1, 2013.
  - e. The loan will consists of 360 payments and the maturity date of the loan will be May 1, 2043.
  - f. The interest rate will be reduced to 3.5% per year and remain in effect until principal and interest are paid in full.
  - g. The Debtors principal and interest payments will be \$1,065.47 and will be effective June 1, 2013.

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h. Without the loan modification, Debtors will have no feasible way of filing a Chapter 13 Plan which catches up the mortgage arrears.

3) The legal description of the subject property, located at 825 Stardale Drive, Chesapeake, VA 23322 is as follows:

ALL THAT certain lot, piece or parcel of land, with the buildings and improvements thereon, lying, situate and being in the City of Chesapeake, Virginia, and being known, numbered and designated as Lot 154, as shown on that certain plat entitled, "SUBDIVISION PLAT OF BRIARWOOD MEADOWS SECTION THREE AND REPLAT OF SECTION ONE TO SHOWN CORRECTION OF R/W DEDICATION OF JOHNSTOWN RD. AS SHOWN IN M.B. 104, PG. 63, 63A-63F FOR BOROUGH, CHESAPEAKE, VIRGINIA", which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia, in Map Book 108, at pages 51, 51A-51E.

It being the same property conveyed to SAMUEL D. GIBSON AND COLETTE E. GIBSON by deed from David R. Smullen and Marorie J.M. Smullen dated May 14, 2004 and duly recorded June 21, 2004 in the aforesaid Clerk's Office in Deed Book 5519 page 137. A corrected Deed was recorded December 29, 2004 in the aforesaid Clerk's Office in Deed Book 5779 page 266 to correct spelling of the grantees name. Correct Spelling is SAMUEL D. GILSON and COLETTE E. GILSON.

- 4) The Debtors believes that modifying his loan is necessary and proper, that the Debtor is able to repay that loan upon the terms set forth above, and that the purpose for modifying his loan is so that the Debtors will be able to be brought current on their arrearages, will have a lower interest rate, and lower monthly payments.
- 5) That Debtor will submit modified schedules I & J within 21 days of the approval of his loan modification and any other amendments as appropriate. The mortgage payment in the current schedule I was, as noted in the filing, based on a temporary trial modification.

- 6) PNC Mortgage will file the proper pleadings withdraw its proof of claim for prepetition arrearages upon approval of his loan modification.

WHEREFORE, the Debtor respectfully request that their Motion to Modify Loan be granted as requested and for the purposes described above.

RESPECTFULLY SUBMITTED,

BY: \_\_\_\_\_

Steve C. Taylor  
Counsel for Debtor

### CERTIFICATE OF MAILING

I certify that on April 12, 2013, I mailed a copy of the debtor's Motion to Modify Mortgage Loan, to the creditors and parties in interest on the attached Service List in compliance wit Fed.R.Bankr.P.7004. PNC Mortgage has been served via certified mail addressed to the officer named on the attached service list. All other parties have been served via first class mail addressed as shown attached list.

\_\_\_\_\_  
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UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

IN RE: Steven Bryan,  
Gale Brickhouse

Debtor.

CASE NO.: 10-75458-SCS

Chapter 13

**NOTICE OF MOTION TO MODIFY MORTGAGE LOAN**

The Debtors have filed papers with Court to Modify his Mortgage.

**Your rights may be affected.** You should read these papers carefully and discuss them with your Attorney, if you have one in their case. (If you do not have an Attorney, you may wish to consult one.)

If you do not want the Court to grant the Relief requested, or if you want the Court to consider your views on the Motion then, on or before 5/3/13, you or your Attorney must file with the Court, at the address shown below, a written response pursuant to Local Bankruptcy Rules 4001(a)-1(C) and 9013-1 (H). You must mail your response to the Court for filing.

You must also mail a copy to:

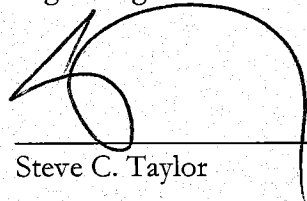
Clerk of Court  
United States Bankruptcy Court  
600 Granby Street, Fourth Floor  
Norfolk, VA 23510

Steve C. Taylor  
Law Office of Steve C. Taylor, P.C.  
133 Mount Pleasant Road  
Chesapeake, VA 23322

If you or your Attorney do not take the above step(s), the Court may decided you do not oppose the relief sought in the motion and may enter an Order granting the Motion without further notice or hearing.

Date: \_\_\_\_\_

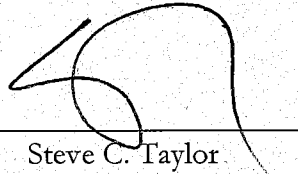
4/12/13

  
\_\_\_\_\_  
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Cardmember Services  
P.O. Box 15153  
Wilmington, DE 19886-5153

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New York, NY 10017

Discover  
P.O. Box 71084  
Charlotte, NC 28272-1084

Discover (notice)  
David Nelms, CEO  
2500 Lake Cook Rd.  
Deerfield, IL 60015

Jennifer Walker  
825 Stardale Drive  
Chesapeake, VA 23320

PNC (CERT)  
James E. Rohr, CEO  
249 5th Ave, One PNC Plaza  
Pittsburgh, PA 15222

PNC Mortgage  
P.O. Box 1820  
Dayton, OH 45401-1820

Scott Cane's Tree Service  
1117 E. Chesslawn Circle  
Chesapeake, VA 23320

Wells Fargo  
P.O. Box 30086  
Los Angeles, CA 90030-0086

Wells Fargo (notice-FDIC)  
John G. Stumpf, CEO  
420 Montgomery Street  
San Francisco, CA 94104